

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 10, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRYAN PAUL HERNANDEZ,

Plaintiff,

v.

ARTHUR D. KYLM,

Defendant.

No. 2:24-CV-00138-SAB

ORDER DISMISSING ACTION

Plaintiff is a civil detainee¹ proceeding *pro se* and *in forma pauperis* in this civil rights action filed purportedly under “diversity of citizenship.” ECF No. 1. Plaintiff is currently housed at the Eastern State Hospital (“ESH”) and complains that Defendant Arthur D. Kym, a Benton County Superior Court Commissioner, did not appoint him counsel in a “guardian of the person case” that Plaintiff is seeking to terminate. *Id.* at 1.

Plaintiff has presented no facts from which the Court could infer that he and Commissioner Kym are citizens of different states, or that any amount in

¹ In a separate habeas corpus proceeding, *Hernandez v. Carpenter*, No. 2:24-cv-00009-SAB, Bryan Paul Hernandez clarified that he has no criminal convictions and is challenging a civil commitment. *Id.*, ECF No. 8.

ORDER GRANTING APPLICATION TO PROCEED *IN FORMA PAUPERIS* . . . # 1

1 controversy exceeds \$75,000. *See* 28 U.S.C. § 1332(a). Plaintiff seeks declaratory
2 and injunctive relief to force Commissioner Kylv to appoint counsel for Plaintiff
3 in a state court action, as well as the appointment of counsel in this case. Plaintiff
4 makes no claim for damages, let alone at the level of the statutory amount.

5 Furthermore, to the extent Plaintiff is asking this Court to intervene in an
6 ongoing state guardianship proceeding pending before the Benton County Superior
7 Court, this Court must abstain under the doctrine set forth in *Younger v. Harris*,
8 401 U.S. 37 (1971). *See e.g., Disability Rts. New York v. New York*, 916 F.3d 129,
9 136 (2d Cir. 2019) (observing that “states have an especially strong interest” in
10 “state court procedure in guardianship proceedings” and abstaining under
11 *Younger*).

12 Accordingly, **IT IS ORDERED** this action is **DISMISSED without**
13 **prejudice** for lack of subject matter jurisdiction under 28 U.S.C. ' 1332.

14 **DATED** this 10th day of June 2024.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

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Stanley A. Bastian
Chief United States District Judge